

Mr. Chief Justice *Smith* and Mr. *John Montgomery* Attorney General allowed the said Presentment to be insufficient, the said Deponent having comply'd with the Laws of the Province, in paying the Fines to the Church Wardens of the Parish, and providing necessities for the Support and Maintainance of the Child, and that the said Child was Born near five Years before the said Presentment and the Fines then paid, and that the said Deponent has not Cohabited with the said *Katharine* since, nor ever heard that [41] there was any previous Complaints either by Church Wardens, Overseers of the Poor or any other Persons, and that he had always maintained the said Child in a Christian like manner, and further saith that when the said Court dismissed the said Presentment, Mr. Attorney *John Montgomery*, Esq; moved that the Deponent should pay the Costs, but Mr. Chief Justice *Smith* was silent, altho' Mr. *Montgomery* mentioned it twice to the said Court, and the Deponent thought he was to pay no Costs, there being nothing Alledged against him but a very short Presentment from the Jury, and no Summons or Bill prefer'd against this Deponent, or any Thing else as he ever heard of but the said Presentment; yet notwithstanding the Deponent for fear of further Trouble went to the Clerk of the Crown when the Court was Adjourned, and tendered to pay the Fees, and demanded to know what they were; the said Clerk laughing reply'd, Let it alone, I don't know whether you have any Thing to pay, and made a Poh at it, from which this Deponent apprehended it to be a very Trifle, but in a very short Time the Deponent met *James Trotter* the Marshal, who shewed the Deponent an Execution against him for *Twenty-six Pounds* some odd *Shillings* Fees for the said Presentment, and the Deponent further saith that soon after seeing the Clerk of the Court and resenting his sending out the Execution, he excused it by saying he could not avoid it, for it was by the Chief Justice *Smith's* Commands, the which *Twenty-six Pounds* the Deponent paid; and further saith not. *John Boude.*

*Sworn before me the 26th Day of March, 1737.*

*Thomas Hansford.*

*Robert Calahorn* being examined upon Oath Swore that himself, *Andrew Conner*, and others were indicted at the last Circuit Court held at *Bath-Town* for a Riot, as in the said Article is set forth,